IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 896 of 2005

Between:

Robo Silicon Private Limited, 19, Sri Krishna Devaraya Nagar,
Yellareddyguda, Hyderabad.

..... PETITIONER

AND

1 The Government of Andhra Pradesh, rep. by its Secretary,
Industries and Commerce (M-1) Department, Secretariat, Hyderabad.
2 The District Collector, Ranga Reddy District.
3 Deputy Director of Mines and Geology, Samrat Complex, 2nd Floor, Saifabad, Hyderabad.
4 Assistant Director of Mines and Geology, Samrat Complex, 2nd Floor, Saifabad, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Mandamus declaring the in action of the 2nd respondent in not considering the request of the 4th respondent communicated vide letters dated 14-10-2003 and 29-12-2003 for grant of No Objection Certificate in respect of grant of a quarry lease of an extent of 3-00 Hectares of land in S.No. 421 of Ankireddypalli, Keesara Village and Mandal, Ranga Reddy District as illegal and arbitrarfy and consequently direct the 2nd respondent to pass orders on the said application keeping in view the orders passed by the Hon'ble Supreme Court in Civil Appeal No. 1907 of 2000 and batch dated 12-12-2003 forthwith and pass such other appropriate orders.

Counsel for the Petitioner : MR. B.ADINARAYANA RAO

Counsel for the Respondents : GP FOR INDUSTRIES & COMMERCE

The Court at the stage of admission made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.896 OF 2005

ORDER :

This writ petition is filed aggrieved by the alleged inaction on the part of the 2nd respondent – District Collector, Rangareddy district in issuing the No Objection Certificate (N.O.C.) as requested by the 4th respondent – Assistant Director of Mines & Geology for the purpose of consideration of the petitioner's application for grant of quarry lease over an extent of 3 hectares of land in Sy.No.421 of Keesara village and Mandal, R.R. District for quarrying Rough Stone.

The petitioner Company made an application dated 29-08-2003 seeking grant of quarry lease over an extent of 3 hectares of land in Sy.No.421 of Ankireddipalli, Kesara village and Mandal for quarrying Rough Stone. The said application was forwarded by the 4th respondent – Assistant Director of Mines & Geology to the 2nd respondent – District Collector on 14-10-2003 requesting for suitable orders in view of the ban orders against granting the lease in Keesara Mandal. It appears that though the 2nd respondent herein has called for a report from the Mandal Revenue Officer, Keesara and the Revenue Divisional Officer, Ranga Reddy (East Division),

no further steps were taken. The fourth respondent by letter dated 5-6-2004 had again requested the 2nd respondent to issue the necessary orders so as to dispose of the application of the petitioner for quarry lease, but there was no communication from the 2nd respondent. In the meanwhile, the 4th respondent conducted inspection and survey of the land in the presence of the petitioner. Thereafter, the 2nd respondent by letter dated 19-07-2004 informed the 2nd respondent that as per the inspection of the area there cannot be any objection from any angle for grant of a quarry lease. Even thereafter there is no response from the 2nd respondent. The petitioner states that the only reason for the delay on the part of the 2nd respondent in disposing the application of the petitioner is the Circular Instructions dated 8-8-2001 issued by the 2nd respondent on the basis of the orders of this Court in W.P.No.7326 of 1997 and batch, dated 17-10-1997.

In the said order, this Court while dealing with a petition in the nature of Public Interest Litigation, having considered the complaint that the crushing of Granite for concrete metal in the areas of Nanakramguda, Khanapur etc is causing pollution, observed that by indulging in blasting, it is causing not only the environmental pollution but also causing damage to Osman Sagar Lake and accordingly ordered that no quarry lease shall be granted within a distance of 2 KMs in future. On the basis of the order dated 17-10-1997, the 2nd respondent issued the Circular Instructions dated 8-8-2001 directing that no further mining lease or renewal of existing mining leases shall be granted in the Mandals specified thereunder which include Keesara.

However, the learned Counsel for the petitioner submits that the decision of this Court in W.P.No.7326 of 1997 and batch was modified by the Supreme Court in MOHD. HAROON ANSARI v. DISTRICT COLLECTOR, RANGAREDDY DISTRICT to the effect that no mining and crushing operations shall be carried on within a distance of 1 KM from the reservoirs / lakes and a distance of 500 mts. from human habitations should be maintained. The learned Counsel submits that in view of the modification of the order passed by the Supreme Court the Circular Instructions dated 8-8-2001 require to be revised. The learned Counsel contends that the 2nd

respondent having failed to issue the revised instructions is not justified in not considering the request of the petitioner for grant of quarry lease as recommended by the 4th respondent.

Having regard to the submissions made by the learned Counsel for the petitioner and having heard the learned Government Pleader for Industries and Mines and on a perusal of the judgment of the Supreme Court in MOHD. HAROON ANSARI'S case (1 supra), I am of the view that the 2nd respondent is bound to consider the request of the petitioner for grant of quarry lease keeping in view the Judgment of the Supreme Court in the above case notwithstanding the ban imposed under the Circular Instructions dated 8-8-2001.

Accordingly, the Writ Petition is disposed of with a direction to the 2nd respondent to consider the request of the fourth respondent vide letters dated 14-10-2003 and 29-12-2003 for grant of No Objection Certificate in respect of grant of quarry lease as sought by the petitioner in his application dated 29-08-2003 keeping in view the decision of the Supreme Court in MOHD. HAROON ANSARI'S case (1 supra) and to pass appropriate orders in accordance with law as expeditiously as possible

preferably within a period of four weeks from the date of receipt of this order. No costs.

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23rd February, 2005.

gbs

To

1 The Secretary, Government of Andhra Pradesh,
Industries and Commerce (M-1) Department, Secretariat, Hyderabad.
2 The District Collector, Ranga Reddy District.
3 Deputy Director of Mines and Geology, Samrat Complex, 2nd Floor, Saifabad, Hyderabad.
4 Assistant Director of Mines and Geology, Samrat Complex, 2nd Floor, Saifabad, Hyderabad.

5. Two CCs to G.P. for Industries & Commerce, High Court of AP Bldgs, Hyderabad (OUT).

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